GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

MA & UD Department – Ward Secretaries Recruitment 2019 – Appointment of B.Com Students to the post of Ward Welfare and Development Secretary (Grade.II) – Implementation of common orders dated 05.05.2023 of Hon'ble High Court of AP in WA No. 748/2022 of WP No. 18147/2019, WA No. 749/2022 of 10542/2021 WA No. 613/2022 of WP No. 2820/2021 and in WP No. 12822/2023 - Creation of 269 no. of Supernumerary posts for appointment of eligible, willing B.Com candidates as per merit list to the post of Ward Welfare and Development Secretary, Grade-II - Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (UBS) DEPARTMENT

G.O.MS.No. 89 Dated:18-09-2024

Read the following:

1. Common Order of Hon'ble High Court of A.P. dated 05-05-2023 in W.A. Nos.613, 748 & 749 of 2022 in W.P. Nos. 2820/2021, dated 13.04.2022, 18147/2019, dated 11.07.2022 and 10542/2021, dated 28.07.2022
2. Orders of the Hon'ble Supreme Court of India, New Delhi in SLP No. (Civil)No.12193-12195/2023, dated 14.07.2023
3. From the Commissioner & Director of Municipal Administration, Mangalagiri, Lr.Roc.No.22/97/2023/N-Sec, dated 21-12-2023
4. G.O.Ms.No.41, MA & UD (UBS) Department, dated 07.03.2024.
5. From the Commissioner & Director of Municipal Administration, Mangalagiri, Lr.Roc.No.22/97/2023/N/Sec, dated 12-06-2024.
6. Government Memo No. 2477861/UBS/2024, MA & UD (UBS) Department, dated 23-07-2024

** * **

O R D E R

The Commissioner & Director of Municipal Administration, Mangalagiri in the references 3rd & 5th read above has stated that the Government vide G.O.Ms.No.217 MA&UD (UBS) Department, dated 20.07.2019 have constituted Ward Secretariats in all Urban Local Bodies in the State consisting of 10 Functional Assistants. Accordingly, the Commissioner & Director of Municipal Administration has issued Notification vide No.6/2019, dated 26-07-2019 for appointment of Ward Welfare and Development Secretaries Grade-II in the ULBs with a qualification of Graduation and above in "Arts and Humanities". During the certificate verification in some districts, B.Com candidates were found eligible as per merit list to the post of Ward Welfare and Development Secretaries Grade-II, but they were rejected by District Selection Committee on the ground that B.Com Degree will not come under the "Arts and Humanities". Some of the rejected candidates approached the Government to consider B.Com Candidates also as qualified. The Government rejected the request quoting U.G.C Notification dated: 05-07-2014.

Contd...2..

2. Aggrieved with the above Government instructions, some B.Com candidates have filed the Writ Petitions in A.P. High Court viz., W.P. Nos.18147/2019, W.P. No.10542/2021 and W.P. No.2820/2021 for not considering their B.com degree to the post of Ward Welfare and Development Secretary, Grade-II. The Hon`ble High Court of A.P in its order dated: 11-07-2022, if the petitioners educational qualification of B.Com is found to be covered under "Arts and Humanities", they shall be considered for appointment. After taking into cognizance of the above orders of the Hon`ble High Court of A.P, the RDMAs concerned have rejected the plea of the petitioners. Later on, the petitioners approached the Hon`ble High Court of A.P and filed W.A.No.613 of 2022, W.A.No.748 of 2022 & W.A.No.749 of 2022. The Hon`ble High Court of A.P in its order dated: 05-05-2023 has ordered that "A Uniform declaration is given that the B.Com course is a course in "Arts and Humanities" and directed to take steps for considering the petitioners for appointment immediately. Government have filed SLP in Hon`ble Supreme Court of India assailing the above orders of Hon`ble High Court of A.P and it was dismissed under Diary Number 20627/2023, dated 12-05-2023. Government have examined the matter in consultation with the concerned line Departments viz. GAD / Law / Finance / Social Welfare / PR&RD / GVWV&VSWS and issued orders vide G.O.Ms.No.41, MA&UD (UBS) Department, dated 07.03.2024 as follows:

i. In the first instance, the appointment of those eligible B.Com candidates who are in the merit list and have obtained favorable orders from the APHC (irrespective of their rank in the merit list), will be considered against the 185 nos. of existing vacancies available in MA&UD Department either as per present (RoR) Roster Points (or) against the future Roster Points, subject to obtaining an undertaking from them that they will take last rank in the seniority.
ii. Appointment of the remaining eligible and willing B.Com candidates who are in the merit list will be taken up in due course of time after creation of supernumerary post in the category of Ward Welfare & Development Secretary (Grade .II) in MA & UD Department.

3. Accordingly, the Commissioner & Director of Municipal Administration in his subsequent letter vide reference 5th read above, has stated that the RDMAs have informed that after filling the available vacancies as mentioned above, still 285 no's of candidates are to be considered for appointment as per the Common Orders passed by the Hon'ble High court of A.P. in W.A. No's 613,748 & 749 of 2022, dated. 05.05.2023 and hence, excluding the 16 B.Com eligible unwilling candidates, there is an immediate need for creation of 269 nos. of supernumerary posts to comply with the Common orders of the Hon'ble High Court in the above said Writ Appeals. The Erstwhile District wise Supernumerary posts to be created in the category of Ward Welfare and Development Secretary, Grade-II for consideration of appointments to the balance eligible B.Com candidates who have given willingness and stood in the merit list as per the information furnished by the Commissioner & Director of Municipal Administration, are as follows:

Contd...3..

Sl. No.	Erstwhile District Name	No. of Supernumerary posts to be created for consideration of appointment to the balance candidates
(1)	(2)	(3)
1.	Srikakulam	0
2.	Vizianagaram	02
3.	Visakhapatnam	49
4.	East Godavari	16
5.	West Godavari	05
6.	Krishna	61
7.	Guntur	34
8.	Prakasam	0
9.	Nellore	02
10.	Kadapa	36
11.	Kurnool	20
12.	Ananthapuramu	09
13.	Chittoor	35
	Grand Total	**269**

The Commissioner & Director of Municipal Administration has therefore requested the Government to consider the above and issue necessary orders on the following:

i. for appointment of remaining eligible & willing B.Com candidates in vacancies available after issuance of the orders in the First instance as per the present (RoR) roster points and also against the future roster points vide para 13 (i) of G.O.Ms.No.41, MA&UD (UBS) Department, dated 07-03-2024.

ii. to create **269 no's of supernumerary posts** as shown in the above table so as to issue appointment orders to the balance eligible & willing B.Com candidates, as per the orders issued vide para 13 (ii) of G.O.Ms.No.41, MA&UD (UBS) Department, dated 07-03-2024

4. Accordingly, Government have issued instructions vide reference 6th read above, permitting the Commissioner & Director of Municipal Administration to fill up the left over vacancies of Ward Welfare and Development Secretary Grade-II for appointment of the remaining eligible and willing B.com candidates as per merit list duly following the present RoR roster points and also against the future roster points, to avoid further legal impediments in the matter.

Contd...4..

5. Government have further examined the matter in consultation with Finance Department and it is decided to consider the proposal of the Commissioner & Director of Municipal Administration to create 269 no's of supernumerary posts as shown under Col.(3) in Erstwhile District wise as per the details mentioned in the table at Para - 3 above, so as to issue appointment orders to the balance eligible & willing B.Com candidates, as per the orders issued vide para 13 (ii) of G.O.Ms.No.41, MA&UD Department, dated 07-03-2024 in order to implement the orders of the Hon'ble High Court of A.P. and to avoid further legal impediments.

6. Government after careful examination and after considering the proposal of the Commissioner & Director of Municipal Administration vide reference 5th read above, hereby create 269 supernumerary posts of Ward Welfare and Development Secretary, Grade -II to issue appointment orders to the balance eligible & willing B.Com candidates as per merit list as shown under Col (3) in erstwhile District -wise as per the details given in the Statement at Para - 3 above and to keep the equivalent number vacant in the cadre of Welfare and Education Assistants in Social Welfare Department till the absorption of these personnel in regular vacancies to comply with the orders of the Hon'ble High Court.

7. The Social Welfare Department is therefore requested to keep the equivalent number vacant in the cadre of Welfare and Education Assistants in Social Welfare Department till the absorption of these personnel in regular vacancies.

8. The Director of Municipal Administration, Mangalagiri shall take necessary action in the matter accordingly.

9. This order issues with the concurrence of Finance (HR.I-Plg. & Policy) Department vide their U.O.No.FIN01-HR0PDPP/327/2023-HR-I (C. No: 2201800), dated 17-09-2024.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL KUMAR SINGHAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director of Municipal Administration, Mangalagiri
The Social Welfare Department, AP Secretariat
Copy to:-
All the District Collector & Magistrates through DMA, Mangalagiri
All the RDMAs through DMA, Mangalagiri
The P.S. to Chief Secretary to Government, AP Secretariat
The Finance Department, AP Secretariat
The Law Department, AP Secretariat
The General Administration Department, AP Secretariat
The GVWV/VSWS Department, AP Secretariat
The P.S. to Secretary to C.M, AP Secretariat
The OSD to Hon'ble Minister (MA&UD), AP Secretariat
The P.S. to Special Chief Secretary to Government, MA & UD Department
Sc/Sf

//FORWARDED BY ORDER//

RESEARCH OFFICER